



BOB RILEY
GOVERNOR

State of Alabama Alabama Department of Corrections

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ADMINISTRATIVE REGULATION
NUMBER 435

OPR: OPERATIONS

PROTECTIVE CUSTODY

I. GENERAL

This Alabama Department of Corrections (ADOC) Administrative Regulation (AR) establishes the responsibilities, policies, and procedures governing the placement and supervision of inmates in Protective Custody.

II. POLICY

It is the policy of the ADOC to provide a form of separation from the general population for inmates requesting or requiring protection from other inmates for reasons of safety and well-being.

III. DEFINITION(S) AND ACRONYM(S)

- A. **Enemy Validation Committee:** A committee comprised of the Classification Supervisor / Specialist, Warden/ designee, and another member from the security staff for the purpose of verifying enemy situations.
- B. **Protective Custody:** Placement of an inmate in a confined area which removes the inmate from exposure and direct contact with the general population of the correctional institution for the purpose of protecting the inmate's safety and well being.

IV. RESPONSIBILITIES

- A. The Warden is responsible for developing the institutional standard operating procedures (SOP) as necessary for the implementation of AR 435, *Protective Custody*.
- B. The Enemy Validation Committee is responsible for determining whether a request for Protective Custody is justified.

V. PROCEDURES

- A. The Warden/ designee may place an inmate in Protective Custody upon the request of the inmate when the reason(s) for the request are considered fully justified. The inmate shall name or otherwise identify their enemies and state reasons for the problems, if applicable.
 - 1. The Enemy Validation Committee shall review the inmate's request and circumstances to determine if an enemy situation exists. The committee shall submit their findings and recommendations to the Warden / designee.
 - 2. The Warden / designee shall review the recommendations of the Enemy Validation Committee and make the final decision on placing the inmate in an open bay, single or double cell.
 - 3. The following should be reviewed on a case-by-case basis:
 - a. Prior law enforcement or correctional employees.
 - b. Relatives of law enforcement or correctional employees.
 - c. Creditable informants.
 - d. Vulnerable inmates.
 - e. High profile cases.
 - f. Unknown enemies.
- B. The Warden/ designee may place an inmate in Protective Custody based upon creditable information received concerning the safety, welfare of an inmate or for reasons of institutional security.
- C. Operations.
 - 1. Staffing:
 - a. All staff members who work in Protective Custody units shall have permanent status as a Correctional Officer I. The Warden shall determine the need for rotation of officers.
 - b. All activities of the unit shall be maintained in a permanent log.
 - c. The inmate shall receive daily visits from a Correctional Supervisor in charge of the unit.

- d. A nurse shall tour the unit daily and dispense medication as prescribed by the medical contractor.
- e. Medical and dental treatment shall be provided as necessary.
- f. A staff psychologist shall visit the Unit twice weekly for those Protective Custody inmates who require single cell placement.
- g. The inmate Protective Custody status shall be reviewed according to the segregation review procedures set out in the ADOC AR 436, *Segregation Review*.

2. In-Processing:

a. Property:

- (1) The receiving institution shall be responsible for conducting a shakedown of all inmates processed into Protective Custody.
- (2) Items not authorized in Protective Custody shall be itemized on ADOC Form 338-A, *ADOC Inmate Personal Property Sheet - Institution*. Four (4) copies will be provided: one of which will be provided to the inmate, one to the institutional inmate file, one for the Segregation file, and one for the property.
- (3) Confiscated property shall be stored, accounted for, and disposed of by the receiving institution in accordance with the provisions of AR 306, *Contraband and Evidence Management*.

- b. A cell condition checklist will be filled out (lights, plumbing, etc.) and signed by the inspecting Officer and the inmate. Any time an inmate's cell is changed, a checklist will be completed. Inmates who damage or destroy their cell shall be subject to disciplinary action.
- c. Inmates entering Protective Custody will be given a verbal and written orientation concerning the Protective Custody Unit policies and procedures using the Annex, *Protective Custody Orientation*.

3. Living Conditions:

a. A healthy environment:

- (1) Is required for inmates and will include, at a minimum, the following:
 - (a) Clean and orderly surroundings.
 - (b) Toilet facilities, including a sink with hot and cold water.
 - (c) Lighting, ventilation, and heating.
 - (d) Compliance with all state and federal fire and safety regulations.
 - (e) A wholesome diet.
 - (f) Clean clothing.
 - (g) Bed constructed off the floor.
 - (h) Access to bathing and exercise area.
- (2) Inmates assigned to Protective Custody who are taking prescribed psychotropic medication shall comply with the requirements of AR 619, *Psychotropic Medication and Heat*, when the temperature in the housing unit reaches 90 degrees Fahrenheit, the following actions shall be taken:
 - (a) Record the temperatures on ADOC Form MH-026, *Housing Unit Temperature Log*.
 - (b) Increased ventilation of the area through utilization of fans to improve airflow and reduce cell temperatures to less than 90 degrees.
 - (c) Provision of increased fluids and ice.
 - (d) Allowance of additional showers to provide cooling.
 - (e) Recommend to the Warden to temporarily transfer the inmate to an area of the institution that is more compatible with the inmate's clinical status.

b. Personal Hygiene:

- (1) Inmates in Protective Custody shall be provided basic items needed for personal hygiene. Protective Custody inmates shall be clothed like other inmates.
- (2) If a Protective Custody Officer determines that there is imminent danger that an inmate shall destroy an item or use it to induce self-injury, the inmate may be deprived of the item. This action shall be noted in the shift log and an ADOC Form 302-A, *Incident Report* initiated.
- (3) Inmates shall be issued soap, deodorant, comb, toothbrush, toothpaste, a bath towel, and a face towel. Other personal hygiene items may be purchased from the Canteen.
- (4) Inmates shall be allowed to shower daily.
- (5) Bedding items shall be laundered and exchanged weekly. Shirts and trousers shall be turned in and laundered twice per week.
- (6) Inmates shall maintain a regulation haircut.

c. Issued Items:

- (1) The following clothing and bedding shall be issued or allowed:
 - (a) Socks, 5 pair.
 - (b) Pants, 3 pair.
 - (c) Shirts, 3 each.
 - (d) Undershorts, 5 pair.
 - (e) Undershirts, 5 each.
 - (f) Shoes Shower slides, 1 pair.
 - (g) Sheets, 2 each.
 - (h) Pillow case, 1 each.
 - (i) Blanket, 1 each (if temperature is 18° or below, 2 each).

- (j) Mattress and pillow, 1 each.
 - (k) Jacket, 1 each when weather requires.
 - (l) Razor and razor blade, 1 each.
 - (m) Panties, 5 pair (Female inmates).
 - (n) Bras, 5 each (Female inmates).
 - (o) Gowns, 2 each (Female inmates).
4. Meals: Inmates shall be fed three (3) meals daily, except on Sunday's and holidays. Meals shall be the same as those fed to the inmates in the general population.
5. Mail: Inmates in protective custody shall be afforded the same opportunities for writing and receipt of letters as is available to the inmates in the general population per AR 448, *Inmate Mail*.
6. Use of Restraint Devices: When an inmate is removed from a protective custody cell, handcuffs shall not be used except as authorized by AR 327, *Use of Force*.
7. Law Library: Inmates in Protective Custody shall have access to legal reference material from the law library as established by the institutional SOP.
- a. A notary public shall be available once each week.
 - b. The inmate may purchase legal research material from the distributor if approved by the Warden.
8. Exercise:
- a. Inmates in Protective Custody shall be given the opportunity to exercise daily when possible.
 - b. Documentation of exercise shall be completed on ADOC Form 434-A, *Segregation Unit Record Sheet*.
9. Visitation: Inmates in Protective Custody shall be afforded visitation privileges as directed by the Warden in accordance with AR 303, *Visitation*.

10. Telephone: Inmates in Protective Custody shall be afforded the same telephone privileges as to the inmates in the general population.
11. Canteen Privileges: Inmates in Protective Custody shall be afforded the same canteen privileges as to the inmates in the general population.
12. Programs: Inmates in Protective Custody shall have access to institutional programs as security permits.

D. Release From Protective Custody:

1. Inmates may be released upon request.
2. If the Warden/designee determines that continued Protective Custody from the general population is necessary the inmate must be given a due process hearing and placed in Administrative Segregation pursuant to the provisions of AR 433, *Administrative Segregation and Housing for Close or Maximum Custody*.

VI. DISPOSITION

Any forms used will be disposed of and retained according to the Departmental Records Disposition Authority (RDA).

VII. FORMS

There are no forms prescribed in this regulation.

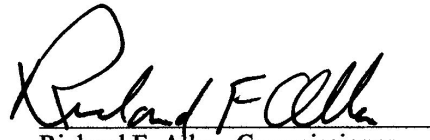
VIII. SUPERCEDES

This regulation supersedes Administrative Regulation 435, *Protective Custody* dated March 19, 1985 and all changes.

IX. PERFORMANCE

1. American Correctional Association, *Standards for Adult Correctional Institutions*, 4th Edition: 4-4251, 4-4253, 4-4254, 4-4273.
2. ADOC AR 436, *Segregation Review*.
3. ADOC AR 302, *Incident Reporting*.
4. ADOC AR 306, *Contraband and Evidence Management*.
5. ADOC AR 327, *Use of Force*.

6. ADOC AR 433, *Administrative Segregation and Housing for Close or Maximum Custody.*
7. ADOC AR 448, *Inmate Mail.*
8. ADOC AR 619, *Psychotropic Medication and Heat.*



Richard F. Allen, Commissioner

ANNEX(S):

Annex, Protective Custody Orientation

ALABAMA DEPARTMENT OF CORRECTIONS

PROTECTIVE CUSTODY ORIENTATION

1. It is your responsibility to abide with and obey all rules established in the Handbook of Rules and Information for Inmates, the Administrative Regulations of Alabama Department of Corrections, and the laws of the State of Alabama.
2. All cells will be kept clean and orderly. Do not write, mar, deface or attach objects on the cell walls or any part thereof.
3. Only authorized items are permitted, inmates found with contraband will be subject to disciplinary action. Authorized Items are:
 - a. Current legal papers and reference material will be made available in accordance with the Standard Operating Procedures.
 - b. Stationery items will be maintained neatly in an approved container.
 - c. Issued clothing and bedding articles or those purchased from the Canteen.
 - d. Issued personal hygiene items and those purchased from the Canteen.
 - e. Books from the institutional library or those received from an approved distributor.
 - f. One radio with headphones.
4. Other authorized personal property items have been inventoried and stored in the property room until your release.
5. A shower and shave is required at least every other day.
6. Meals are served three times daily except Sunday and holidays. Throwing or intentionally spilling food is a violation and subject to disciplinary action.
7. Your visiting, telephone and canteen draw privileges will be the same as the general population unless taken away as the result of a disciplinary hearing.
8. Sick call will be made daily. Pill call will be held as prescribed by the medical contractor. When routine medical attention is needed, you should follow the sick-call procedures. Dental care and emergency medical care will be provided as needed.
9. A unit supervisor will visit the Protective Custody Unit daily.
10. A staff psychologist will visit the unit minimally twice per week.
11. The Institutional Segregation Review Board will meet to consider your status and progress every seven (7) days.
12. A notary public will tour the Protective Custody Unit once per week to provide notary service.
13. When additional questions or emergencies arise, contact the officer on duty.

Inmate's Printed Name/AIS #

Inmate's Signature and Date of Orientation

Witness – Printed Name/Position

Witness' Signature and Date

cc: Inmate's Institutional File, Segregation File, and Inmate.

Annex to AR 435